

Application No. 09/827,665
Reply to Office Action dated 01/24/05

REMARKS

These remarks are responsive to the Office Action mailed January 24, 2005 in connection with the above-identified application. The Applicant notes that the Action has been made Final. In the foregoing amendments, the Applicant has amended claim 1 to more distinctly point out and claim what the Applicant regards as the invention. No new matter is added. It is respectfully requested that the Examiner enter the amendment and pass the application to issue.

The Applicant also notes that the Examiner has stated that the Declaration under 37 C.F.R. 1.131 filed on October 22, 2004 is considered ineffective to overcome the Kroeger (U.S. Pub. No. 2002/0138391) reference. In view of the Examiner's determination on this matter, the Applicant is submitting the following arguments which demonstrate that the Applicant's pending claims as amended herein are patentable over the Kroeger reference.

Claim Rejections 35 U.S.C. § 102(e)

The Applicant wishes to again point out that the invention disclosed by the Kroeger reference is wholly different in concept and implementation than Applicant's invention. The Applicant's invention is essentially a refined Internet search engine which provides guided "smart" searching capabilities, and which allows an individual user to store and organize retrieved information in a manner useful to those working in various engineering disciplines. The library of information available to a user of Applicant's system is not stored on a central server, but is scattered throughout the Internet via the World Wide Web (www). The

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Applicant's invention provides a novel means to efficiently retrieve and correlate information resident on the Internet which is widespread and difficult for the unguided user to locate. The Applicant's invention also provides a user-friendly drop-down menu selection process to access pages on the Internet without having to go through a repetitive search process using a search engine.

In contrast, in the Kroeger system, the library information is stored at one single location. As stated in Kroeger at paragraph 0091: "All information may be stored centrally on a company server or on a customer's server." In the paragraphs cited as relevant by the Examiner, the Internet is used by remotely located individuals to access the data on the central server. In paragraph 0132, Kroeger states, "If sub-contractors or architects/engineers have web access to the central system, they may enter their information directly." Kroeger Paragraphs 0133 and 0134 describe scenarios in which email is used to access the central server. Kroeger paragraph 0145 states: "If the contractor or subcontractor has Internet access, they may link to the central server, enter a name and password (or register) and review the bid package."

The Kroeger system merely provides a means to organize various documents and files on a single server. The only aspect of the Kroeger system which involves the Internet is the fact individuals can remotely access the central server from a PC. Providing remote access to a central server is part of the standard Internet protocol, and is well known in the art. Moreover, this feature does not read on the Applicant's system. The Applicant is providing a specialized Internet browser which allows for "smart" surfing of the Internet to systematically gather

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information relating to a construction or civil engineering project. This is accomplished by providing a sortable database of URL links, with the results displayed on a drop-down menu.

The Applicant believes that a discussion regarding the definition of "URL link" will distinguish the Applicant's system over the prior art. *The Webopedia* (available on the Internet at www.webopedia.com) defines URL as follows:

URL

Abbreviation of *Uniform Resource Locator*, the global address of documents and other resources on the World Wide Web.

The first part of the address indicates what protocol to use, and the second part specifies the IP address or the domain name where the resource is located.

For example, <http://www.uspto.gov> is a URL for a Web page which is retrieved using HTTP (hypertext transfer procedure) protocol. The Applicant's invention provides an indexed database of URLs in the same HTTP format for engineering-related sites. In addition, the Applicant's system provides a user-friendly cascading drop-down menu display of URL links which allow a user to easily access a Web page containing required information for a construction or civil engineering project.

With regard to claim 1, the Examiner stated

Kroeger discloses a method of engineering project design using a real-time interface with a global computer network (See figure 1A, wherein 'global computer network' reads on 'Internet'), said method comprising: creating a database based on publicly accessible data located in www sites for approved engineering specific Universal Record Locator (URL) links.

The cited paragraphs of Kroeger are reproduced below for comparison with the relevant

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portion of claim 1:

Claim 1: “... creating a database based on publicly accessible data located in www sites for approved engineering specific Universal Record Locator (URL) links”	Kroeger: [0132] The present invention does not necessarily require sub-contractors or architects/engineers to have direct access to the central server. In fact, they can interact with the system through their own email, voicemail, HHD or fax systems. If sub-contractors or architects/engineers have web access to the central system, they may enter their information directly. [0133] Following is a scenario that depicts a typical approach using e-mail. It should be noted that these types of activities can also be processed through voicemail, HHD and/or faxes. As mentioned herein above, various types of information are handled by the communication manager including, but not limited to a "request for information", "change proposal requests", "change proposal quotations", "contract change orders" and "submittals." [0134] The "request for information" process begins by a sub-contractor or the like calling or e-mailing a general contractor/project manager (GC/PM) with a problem, or entering the information directly if they have access to a web server equipped with the capabilities of the present invention. The GC/PM uses the communication manager to create a new request for information (RFI) email. Note FIG. 7.
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The Applicant wishes to point out that Kroeger does not teach or even suggest the step of creating a database of URL links in the cited paragraphs 0132, 0133, and 0134. The cited paragraphs in Kroeger are directed to providing a means for individuals to remotely communicate with a central server, e.g. via email or fax. This capability has no relevance in Applicant's invention as there is no "central server" and no need for email communication. The information

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to be retrieved by Applicant's system is not on a main server but resides piecemeal on numerous remotely located Internet servers throughout the World Wide Web. A simple email link to a main server does not read on Applicant's system of providing a browser with an indexable database of URL links.

The Examiner further cited paragraph 0145 of Kroger as being relevant to the following:

Claim 1. "... creating a database based on publicly accessible data located in www sites for approved engineering specific Universal Record Locator (URL) links"	Kroger: [0145] If the contractor or subcontractor has Internet access, they may link to the central server, enter a name and password (or register), and review the bid package. They may select any or all items to bid. The bid manager then presents a screen containing the items they selected and is used to submit their bids. The bid manager requires a dollar amount for each task and displays the total bid at the bottom of the screen. On this screen the contractor or subcontractor may indicate how they will forward submittals. Documents may be attached electronically or forwarded by carrier or postal mail.
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Again, the cited paragraph 00145 does not teach creating a database of URL links to enable structured Internet "surfing." The paragraph merely discloses well-known protocols for remotely accessing a Internet server by entering name password information.

The Examiner further cited paragraph 0118 of Kroeger as being relevant to the following:

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Claim 1. “... indexing said database according to predetermined engineering search queries”	[0118] The document manager may provide viewing of docs, xls, pdfs, xrefs, dwgs, and jpegs through a single browser viewer. Further, with system authorization, the document manager may permit any user to update all documents, but not necessarily xrefs & dwgs. The document manager may also record a time that any document is added or changed and by whom (for xrefs & dwgs, any time added, retrieved or resubmitted). The document manager further tracks due dates for all documents, and provides easy access to downloadable drawings and specifications for use with Blue Print Shops, or any other print shop software.
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The Applicant fails to see the relevance of the cited paragraph 0118. Kroeger does not disclose a creating a database of URL links , and therefore by extension cannot possibly disclose indexing such a database to provide a structured Internet query. In the Kroeger system, the various files types (docs, xls, pdfs, xrefs, dwgs, and jpegs) reside on the central server having the program running thereon, they are not retrieved or viewed via the Internet. It is well known in the art to provide a file viewing application which allows one to universally view any file type as disclosed in paragraph 0118. The Applicant would like to point out that this type of file viewer does not form a part of Applicant's inventive system, and has no relevance to the Applicant's system. Paragraph 0118 does not teach the step of indexing a database of URL links for Internet access.

The Examiner further cited paragraph 0110-0115 of Kroeger as being relevant to the following:

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Claim 1 “... retrieving URL links according to the database inquiry”	<p>[Kroeger]</p> <p>[0110] With respect to the task records, the aforementioned links may allow access to all documents required to complete the task. Further, each task record may display all predecessor and successor tasks, and its budget relationship to other tasks (through summing levels), as mentioned earlier.</p> <p>[0111] As set forth hereinabove, tasks may be edited/added at any time by authorized contacts. Further, the project task manager may provide an audit trail of all task changes made, when they were made, and by whom. The project task manager may also display bar graphs and calendars of schedule tasks & relationships over a scrolling time period. As such, the project task manager may display real time projections of budgets and actual costs.</p> <p>[0112] The present invention maintains all documents in an organized fashion using a document manager for easily accessibility. The document manager may organize documents in a normal MICROSOFT EXPLORER folder/file "tree" format. Documents are added to the system by placing them in the appropriate folder. Documents may be viewed using the tree, performing a "find" function or linking from related tasks.</p> <p>[0113] Table 3 illustrates various exemplary documents maintained by the document manager in the context of construction. 4 TABLE 3 Site evaluations & assessments Drawings Specifications Addenda Purchase Orders Contracts Inspections Tests Material Inventory</p>
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(Cont.)

"retrieving URL links according to the database inquiry"

[0114] FIG. 4 illustrates a method 400 for managing documents. Initially, in operation 402, a database of documents is maintained. In one embodiment of the present invention, the documents may include site evaluations & assessments, drawings, specifications, addenda, purchase orders, contracts, inspections, tests, and/or material inventory. It should also be noted that the documents may have a plurality of different formats, and a universal browser may be used to view each of the documents.

[0115] Further, in operation 404, a due date associated with the documents is determined. A status of the documents is also monitored. Note operation 406. As an option, the status may indicate that the documents are submitted to the database. Further, the status may indicate that the documents are retrieved from the database.

Again, the Applicant fails to see the relevance of the cited paragraph 0110-0115. Kroeger does not disclose creating a database of URL links for structured queries, and therefore cannot disclose the retrieval of Web pages via a URL link in an indexed database. Paragraphs 0110-0115 are only directed to methods for local document management on the central server. Notably, paragraph 0112 states: "The document manager may organize documents in a normal MICROSOFT EXPLORER folder/file 'tree' format." It is apparent that this sentence is referring to *WINDOWS EXPLORER*, which a standard utility program which forms a part of the Microsoft *WINDOWS* operating system. The *WINDOWS EXPLORER* utility has only one function, which is to allow one to organize documents using the folder/file "tree" form as discussed on Kroeger. *WINDOWS EXPLORER* is not the same as *MICROSOFT INTERNET EXPLORER*, the well known Internet browser program. As such, the Applicant would like to reiterate that the cited paragraphs are only related to document management, and do not disclose retrieving URL

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links according to a database inquiry.

The Examiner further cited paragraphs 0145-0147 of Kroeger as being relevant to the following:

Claim 1: "... accessing www Web pages related to the retrieved URL links"	Kroeger: [0145] If the contractor or subcontractor has Internet access, they may link to the central server, enter a name and password (or register), and review the bid package. They may select any or all items to bid. The bid manager then presents a screen containing the items they selected and is used to submit their bids. The bid manager requires a dollar amount for each task and displays the total bid at the bottom of the screen. On this screen the contractor or subcontractor may indicate how they will forward submittals. Documents may be attached electronically or forwarded by carrier or postal mail. [0146] When a contractor responds electronically to a bid package, the bid manager records the company/contact id, date and time submitted, and bid amount for each item bid on. If bids are submitted by carrier or postal mail, the general contractor or project manager may enter the information into the system in a fashion as if they were the bidder with Internet access. [0147] At any time, the bid manager allows review of all bids received by task or by company. Bids may be accepted in whole or in part. If a bid is accepted in whole, the bid manager places the bid amounts on all appropriate tasks. If only certain bid items are accepted for a given company, their bid may be called to the screen and the appropriate items marked as accepted using check boxes or the like. Bid amounts are then placed on the respective tasks. In either case, when a bid is accepted, the bidder is notified by e-mail or fax that their bid has been accepted with a link to the "copy" of the accepted bid that resides on the central server. This "copy" remains linked with the task throughout the duration of the project.
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Again, the Applicant fails to see the relevance of the cited paragraph 0145-0147. Kroeger does not in any way disclose the retrieval of data on a Web page via a URL address, and certainly does not disclose a system for organizing a database of URL links for automatic retrieval of a desired Web page. Paragraph 0145 states as follows: "If the contractor or subcontractor has Internet access, they may link to the central server, enter a name and password (or register) and review the bid package." Again, the cited paragraphs are directed to remotely located parties accessing the server via the Internet, and do not suggest or disclose accessing Web pages. The cited paragraphs do not read on Applicant's invention.

With regard to the step of Applicant's claim 1 reciting "... retrieving permit information from a Web page review which conforms to a specific geographic location," the Examiner cited Table 1A in Kroeger which shows a list of templates associated with invention. The Examiner also cited the description of prior art at paragraph 0011 of Kroeger. The Applicant would like to again point out that the Kroeger system is only a local document management system, and the task manager feature in Kroeger merely provides a pre-formatted template document for insertion of permit information. As specifically stated in paragraph 0107 of Kroeger, "Further, in operation 304, a user is allowed to populate the template with task records each having at least one associated task." What Kroeger does not do is allow the user to enter geographic information (e.g. a ZIP code), and then automatically direct the user to an Internet Web page containing the relevant permit information for that particular geographic region. The Applicant's system provides a user friendly drop-down menu process allowing the user to readily

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select municipal, county, state, or federal regulations, with each selection being linked to the appropriate URL. While anyone has might surf the Web seeking the desired information to add to the Kroeger template, the Applicant's system provides an integrated menu system whereby a user is automatically directed to the correct Web page to retrieve permit information. The Applicant has further amended claim 1 to clearly set forth this feature. This feature is not shown or suggested in Kroeger, or the prior art.

In summary, the Applicant's system has more in common with well known Internet search engines (such as Google and AltaVista) than the Kroeger system. In the Applicant's system, any client computer can be used independently to compile an engineering checklist via a Web search. The Applicant submits that the use of the Internet in the Kroeger system and the use of the Internet in Applicant's system are dissimilar and cannot be said to support an assertion commonality between the two systems.

Kroeger does not disclose a GUI which provides a cascading drop-down menu which displays URL links generated by a database query. With specific regard to instantly amended claim 1, the Kroeger reference does not disclose:

1. Creating a database based on publicly accessible data located in www sites for approved engineering specific Universal Record Locator (URL) links.
2. Indexing the database according to predetermined engineering search queries.
3. A graphical user interface (GUI) allowing a user to:
 - (i) perform a categorized database inquiry for an engineering project by using a

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cascading drop-down menu process;

- (ii) input critical parameters regarding the specification and requirements for the engineering project;
- (iii) input a specific geographic location of the engineering project; and
- (iv) compile project information into a job folder checklist.

4. Retrieving URL links from a database according to a database inquiry.

5. Displaying the retrieved URL links as menu options and accessing www Web pages related to the retrieved URL links in response to user selection.

6. Retrieving URL links to regulatory and permit data for the specific geographic location from a regulation data base of URL links which and displaying the URL links to regulatory data as menu options.

7. Retrieving construction procedures from URL links providing a contractor database.

Kroeger does not disclose any of the above features recited in the instantly amended claim 1. **To anticipate a claim, the reference must teach every element of the claim.** MPEP 2131. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

[Emphasis added] “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

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The Applicant believes that the foregoing arguments demonstrate that Applicant's invention is not anticipated by the Kroeger reference, and that Applicant's invention is patentable thereover. The Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 102(e), and allowance of Applicant's pending claims.

Conclusion

The Applicant respectfully submits that the application now stands in condition for allowance. The Examiner is requested to telephone the undersigned in order to discuss any further objections, allowing Applicant to expedite a response.

Respectfully submitted,

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4/13/05
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